IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.992 of 2006

Dated: December 12, 2007

Between:

M/s. Balaji Kiranam, Tandur village and Mandal,
Adilabad, rep. by its Prop. B. Venkatesham,
S/o. Pullaiah, Tandur village and Mandal,
Adilabad District, and another.

… Petitioners

And

The Prohibition and Excise Inspector,
Prohibition and Excise Station, Asifabad,
Adilabad District, and others.

… Respondents

Order:

This writ petition has been filed seeking Mandamus to declare the action of the respondents in interfering with the day-to-day business of the petitioners, who deal in Black jaggery and Alum.

The main complaint in the writ petition is that though Black jaggery and Alum are not prohibited items, there is an interference of the petitioners' business by the respondents. It is alleged, in general, that there is interference by the respondents; however, no specific instance

has been cited in support of the allegation of the petitioners that respondents are interfering with their business.

On the other hand, Respondent No.2 has filed counter affidavit stating that he is not interfering with the business and no complaint has been received against the petitioners and no case has also been registered against them.

In view of the directions of this court in W.P.No.19706 of 2000 and batch, the Commissioner of Prohibition and Excise, Hyderabad has issued instructions to the officials. Para-4 of the instructions issued by the Commissioner in Cr.No.4294/DPE/2001/C5 dated 03-11-2002 reads as follows:

> " Accordingly, all the subordinate officers of Prohibition & Excise Department are informed that the Department will take a very serious view of the action taken by the subordinate officers to cause any inconvenience to any person who is genuinely trading in jaggery/black jaggery, which is used for lawful purpose. All the officers are hereby instructed to strictly follow the instructions as mentioned hereinafter:
>
> i) No seizure of black jaggery be made which is being brought by the farmers to the Agricultural Market-yards for sale.
>
> ii) No seizure of black jaggery be made which is being transported from the Agricultural Market-yards to the premises of the whole-sale dealers covered by valid documents and stored in the premises of the whole-sale dealer.
>
> iii) The consignment of the black jaggery be permitted without any restriction if the same is covered by waybills/permits issued by the Agricultural Market Committee and the invoices are clearly showing the names and addresses of the consignor as well as the consignee.
>
> iv) Cases of seizure of black jaggery which are pending before the Deputy Commissioner of Prohibition & Excise shall be disposed of by 30th November, 2002. If any trader has filed/filing any

application for release of the seized stocks of black jaggery for interim custody, the same should be disposed of within a week by the Deputy Commissioner of Prohibition and Excise concerned."

In view of the said proceedings issued by the Commissioner of Prohibition and Excise and in view of the stand taken by the respondents in the counter affidavit that they are not interfering with the business of the petitioners, I dispose of the writ petition directing the respondents to follow the instructions issued by the Commissioner of Prohibition and Excise, in Cr.No.4294/DPE/2001/C5 dated 03-11-2002, in dealing with Black jaggery and Alum. No order as to costs.

_____

JUSTICE R. SUBHASH REDDY.

December 12, 2007
MRR